

<b>To: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-00774 PSG	DATE FILED 2/18/2011	U.S. DISTRICT COURT 280 South First St, Rm 2112, San Jose, CA 95113
PLAINTIFF SEALANT SYSTEMS INTERNATIONAL INC		DEFENDANT TEK GLOBAL SRL
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,789,110		SEE ATTACHED COMPLAING
2		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK Richard W. Wieking	(BY) DEPUTY CLERK Betty Walton	DATE February 24, 2011
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Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

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14 Attorneys for Plaintiff Sealant Systems International, Inc. RICHARD W. WIEKING  
15 CLERK, U.S. DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19 SEALANT SYSTEMS INTERNATIONAL,  
20 INC.

21 Plaintiff,

22 v.

23 TEK GLOBAL S.R.L.

24 Defendant.

25 **COMPLAINT FOR DECLARATORY  
RELIEF**

26 **DEMAND FOR JURY TRIAL**

27 Plaintiff Sealant Systems International, Inc. ("SSI" or "Plaintiff") states and alleges  
28 for its Complaint against Defendants TEK Global S.R.L. ("TEK" or "Defendant") as follows:

29 **NATURE OF ACTION**

- 30 1. This action arises under the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*  
31 2. This claim is for a Declaratory Judgment declaring that U.S. Patent No. 7,789,110  
32 (the "'110 Patent"), entitled "Kit for Inflating and Repairing Inflatable Articles, in Particular  
33 Tyres," is not infringed by SSI and is invalid under United States Patent Act, 35 U.S.C. § 1, *et seq.*

34 **PARTIES**

- 35 3. At all times mentioned herein, Plaintiff SSI is engaged in the manufacturing of  
36 onboard tire repair systems. SSI is a California corporation with its principal place of business in

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FILED

FEB 18 2011

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FIRST LEGAL SUPPORT SERVICES

1 Grover Beach, California.

2 4. At all times mentioned herein, Defendant TEK is an Italian limited liability company  
3 having an office and place of business at Via Icaro No. 11, Pesaro (PU) Italy.

4 **JURISDICTION**

5 5. This Court has subject matter jurisdiction over this action under at least 28 U.S.C. §§  
6 1331, 1338(a), 2201, and 2202. There is an actual case and controversy within this Court's  
7 jurisdiction regarding non-infringement and invalidity of the '110 Patent.

8 6. This Court has personal jurisdiction over TEK, an Italian limited liability company  
9 because, among other things, (a) TEK sent various communications to SSI at its California  
10 headquarters alleging infringement of the '110 Patent, and (b) on information and belief, TEK  
11 frequently sells product to American Honda Motor Co. Inc., a California corporation.

12 7. Venue is proper in this district pursuant to 28 U.S.C. § 1391(d).

13 8. At all times mentioned herein, on information and belief, TEK owns the '110 Patent.  
14 A true and correct copy of the '110 Patent is attached hereto as Exhibit A.

15 9. On November 2, 2009, TEK sent SSI a letter to its California headquarters claiming  
16 that SSI's automatic tire repair system infringed several of TEK's United States Published Patent  
17 Applications, including the Patent Application which corresponds to the '110 Patent, No.  
18 2008/0029181. A true and correct copy of this letter is attached hereto as Exhibit B.

19 10. The letter attached two US Patent Application Publications and claimed that once the  
20 patent applications were granted, TEK would be entitled to compensation from SSI.

21 11. On November 22, 2010, TEK sent SSI another letter to its California headquarters  
22 notifying SSI that it had filed suit against SSI for patent infringement, and attached the complaint.  
23 A true and correct copy of this letter is attached hereto as Exhibit C.

24 12. In fact, on November 10, 2010, TEK filed suit against SSI in the United States  
25 District Court Southern District of New York, case number 10 CIV 8757 (AKH) (the "Patent  
26 Infringement Action"). SSI will be moving to dismiss the Patent Infringement Action for lack of  
27 personal jurisdiction.

28 13. Under these circumstances, there is a substantial controversy between TEK and SSI.

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1 In light of TEK's Patent Infringement Action, this controversy is of sufficient immediacy and  
2 reality to justify the issuance of a declaratory judgment regarding the parties' respective rights as  
3 they relate to the alleged infringement and validity of the claims of the '110 Patent.

4 **CAUSES OF ACTION**

5 **COUNT ONE**

6 **DECLARATORY JUDGMENT OF NON-INFRINGEMENT**

7 14. SSI repeats and realleges the allegations of paragraphs 1 through 13 above, and  
8 incorporates those allegations herein by this reference.

9 15. SSI's product does not infringe, either directly, indirectly, by contribution, or by  
10 inducement, or in any other way, any claim of the '110 Patent, either literally or under the doctrine  
11 of equivalents, willfully or otherwise.

12 16. Based on TEK's filing of the Patent Infringement Action and TEK's correspondence  
13 asserting that it is entitled to compensation from SSI based on the allegation that '110 Patent covers  
14 SSI's automatic tire repair system, there is a justiciable controversy between the parties regarding  
15 the non-infringement of the '110 Patent by SSI, and SSI is entitled to a declaratory judgment that  
16 will finally resolve this issue.

17 17. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, SSI  
18 requests a declaration by the Court that it does not infringe either directly, indirectly, by  
19 contribution, or by inducement, or in any other way, any claim of the '110 Patent, either literally or  
20 under the doctrine of equivalents, willfully or otherwise.

21 **COUNT TWO**

22 **DECLARATORY JUDGMENT OF INVALIDITY**

23 18. SSI repeats and realleges the allegations of paragraphs 1 through 17 above, and  
24 incorporates those allegations herein by this reference.

25 19. On information and belief, the claims of the '110 Patent are invalid for failure to  
26 comply with one or more of the conditions for patentability set forth in the United States Patent Act,  
27 35 U.S.C. § 100 *et seq.*

28 20. Based on TEK's filing of the Patent Infringement Action, there is a justiciable

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1 controversy between the parties regarding the invalidity of the '110 Patent, and SSI is entitled to a  
2 declaratory judgment that will finally resolve this issue.

3 21. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.* and 35  
4 U.S.C. § 100 *et seq.*, SSI requests a declaration by the Court that the claims of the '110 Patent are  
5 invalid.

6 **JURY DEMAND**

7 22. Plaintiff demands that all claims and causes of action raised in this Complaint against  
8 Defendant be tried to a jury.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff prays for the following relief:

11 1. A declaratory judgment that Plaintiff does not infringe and has not infringed, literally  
12 or by equivalents, directly or by inducement or contributory infringement, any claim of the '110  
13 Patent;

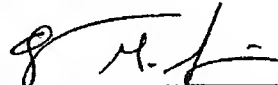
14 2. A declaratory judgment that the claims of the '110 Patent are invalid;

15 3. A judgment finding this case exceptional and awarding Plaintiff its costs and  
16 reasonable attorneys' fees under 35 U.S.C. § 285;

17 4. A judgment awarding Plaintiff such other and/or further relief as is just and  
18 equitable.

19  
20 DATED: February 18, 2011

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STANLEY M. GIBSON  
GREGORY S. CORDREY

21  
22 By:   
23 STANLEY M. GIBSON (Bar No. 162329)  
24 Attorneys for Plaintiff SEALANT SYSTEMS  
INTERNATIONAL, INC.

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